

8 Use Of the Parks

The National Park Service will promote and regulate the use of parks, and it will provide those services necessary to meet the basic needs of park visitors and to achieve each park's mission goals.

8.1 GENERAL

Many different types of uses take place in the more than 375 parks that comprise the national park system. Some of those uses are carried out by the National Park Service, but many more are carried out by general park visitors, permittees, lessees, and licensees. The Service has the responsibility to manage all park uses and, when necessary, regulate their amount, kind, time and place.

The Organic Act, which created the National Park Service in 1916, directs the Service to conserve park resources “unimpaired” for the enjoyment of future generations. The 1970 National Park System General Authorities Act, as amended, prohibits the Service from allowing any activities that would cause derogation of the values and purposes for which the parks have been established. Taken together, these two laws impose on NPS managers a strict mandate to protect park resources and values.

Providing opportunities for public enjoyment is an important part of the Service's mission; but recreational activities and other uses may be allowed in parks only to the extent they can take place without causing impairment or derogation of a park's resources, values, or purposes. The only exception is when an activity that would cause impairment is directly and specifically mandated by Congress.

The fact that a park use may have an impact does not necessarily mean that it will *impair* park resources or values for the enjoyment of future generations. Impacts may have effects on resources and still be within the limits of the discretionary authority conferred by the Organic Act. However, the Service will not knowingly authorize a park use that would cause adverse impacts unless it has been fully evaluated, appropriate public involvement has been obtained, and a compelling management need is present. In those situations, the Service will ensure that any adverse impacts are the minimum necessary, unavoidable, cannot be further mitigated, and do not constitute impairment or derogation of park resources and values.

Any discretionary uses allowed by the Service under the Organic Act will be resource-based, and non-consumptive of resources. Consumptive uses of park resources may be allowed only when they are:

- Specifically authorized by federal law or treaty rights;
- Specifically authorized pursuant to other existing rights (such as a right retained by a donor of the land on which the use would occur); or
- Activities, such as fishing or berry picking, which have been found by the superintendent not to cause adverse impacts to park resources or values.

It is especially important that consumptive uses be continually monitored to ensure that unanticipated and unacceptable adverse impacts do not occur.

When a use is *mandated* by law, but causes impairment or derogation of park resources or values, the Service will take appropriate management actions to minimize its adverse effects. When a use is *authorized* by law, but not mandated, and may cause impairment or derogation of park resources or values, the Service will mitigate the impacts to the point where they will cause neither impairment nor derogation, nor significant adverse effects; or, if necessary, the Service will eliminate the activity.

All proposals for park uses will be evaluated for their consistency with applicable legislation, Executive orders, regulations, and policies, as well as for their actual and potential effects on park resources and values. They will also be evaluated in terms of their total costs to the Service, and the public benefits that will be derived. Park superintendents must continually examine all park uses and allow only those that meet the criteria listed in section 8.2.

Specific park uses will be guided by the following subsections, and must comply also with the other chapters of these *Management Policies*. The regulatory framework for implementing NPS policies governing use of the parks, and for determining when and where activities may be allowed, is found in 36 CFR Parts 2, 3, 4, 5, 7, 12 and 13. Procedures for implementing or terminating a restriction, condition, public use limit or closure within a park area are found in 36 CFR 1.5.

(See *Park Management 1.4*; also see *Director's Order #12*)

8.2 VISITOR USE

To provide for public enjoyment of the parks, the National Park Service *will encourage* activities that

- Are inspirational, educational, or healthful, and otherwise appropriate to the park environment;
- Will foster a continuing appreciation for park resources and values; and
- Will promote enjoyment through a direct association with, or relation to, park resources.

The primary means of fostering and providing activities that meet these criteria will be the NPS interpretive and educational programs, which are described in detail in chapter 7. The Service will also welcome the efforts of private sector organizations and entities to foster and provide activities that meet these criteria.

The Service *will allow* other uses that do not meet these criteria, provided they

- Are appropriate to the reason the park was established, and
- Can be sustained without impairing park resources or values.

Unless an activity is mandated by statute, the Service *will not allow* activities that

- Cause injury or damage to park resources; or
- Are contrary to the purposes for which the park was established, or
- Unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic, or commemorative locations within the park; or
- Unreasonably interfere with the interpretive, visitor service, or other program activities, or with the administrative activities of the NPS; or
- Substantially impair NPS concessioner or contractor operations or services; or
- Present a clear and present danger to public health and safety; or
- Result in significant conflict with other existing uses.

Management controls must be imposed on all park uses to ensure the uses remain acceptable. If and when a superintendent has a reasonable basis to believe an ongoing or proposed public use would cause impairment of park resources or values, the superintendent will either (1) temporarily or permanently close a specific area; or (2) prohibit a particular use; or (3) otherwise place limitations on the use to ensure that impairment does not occur.

Any closures or restrictions--other than those imposed by law--will be based on a written determination by the superintendent that such measures are (1) consistent with the park's enabling legislation, other applicable laws, and NPS policies and procedures; and (2) are needed to prevent impairment or derogation of park resources and values, or to minimize visitor use conflicts. When practicable, restrictions will be based on the results of study or research, including (when appropriate) research in the social sciences. Any restrictions imposed will be fully explained to visitors and the public. Visitors will be given appropriate information on how to keep adverse impacts to a minimum, and how to enjoy the safe and lawful use of the parks.

8.2.1 Carrying Capacity

For all areas within a park, superintendents will identify visitor carrying capacities, make implementation commitments, and identify ways in which to address and monitor unacceptable impacts to resources and visitor experiences. Decisions about what kinds and levels of use are acceptable and sustainable for given areas should be made through general management planning. If a general management plan is not current or complete, or if more detailed decision making is required, a carrying capacity planning process, such as the Visitor Experience and Resource Protection (VERP) framework, should be applied in a separate visitor management plan or an amendment to an existing plan. If the time frame for making decisions is insufficient to allow application of a carrying capacity planning framework, then superintendents must make decisions based on the best available scientific and other information. In either case, such planning must be accompanied by appropriate environmental impact analysis, in accordance with Director's Order #12.

The general management plan will also identify what kinds of changes would be needed or appropriate to make a park's current use more acceptable and sustainable. If use changes over time, superintendents

must continue to decide if management actions are needed to keep use at acceptable and sustainable levels. If indicators and standards have been prescribed for an impact, the acceptable level is the prescribed standard. If indicators and standards do not exist, the superintendent must determine how much impact can be tolerated before management intervention is required. Long-term restrictive management strategies are most appropriately based on sound scientific and scholarly standards and monitoring.

If and when park uses reach a level where they must be limited or curtailed, the preferred choice will be to continue uses that best meet the criteria listed in section 8.2 for preferred uses, and to limit or curtail those that least meet those criteria.

(See General Management Planning 2.3.1)

8.2.2 Recreational Activities

The National Park Service will encourage, allow, or not allow recreational activities according to the criteria listed in section 8.2. Examples of recreational activities that may be encouraged or allowed include, but are not limited to, boating, camping, bicycling, fishing, hiking, horseback riding and packing, outdoor sports, picnicking, scuba diving, cross-country skiing, caving, mountain and rock climbing, and swimming. However, not all of these activities will be appropriate or allowable in all parks; that determination must be made on the basis of park-specific planning. Service-wide regulations addressing aircraft use, off-road bicycling, hang-gliding, off-road vehicle use, and snowmobiling require that special, park-specific regulations be developed before these uses may be allowed in parks.

The Service will monitor new or changing trends in recreational activities and assess their potential impacts on park resources. A new form of recreational activity will not be allowed within a park until after an environmental analysis has determined that it will not adversely impact park resources.

8.2.2.1 Management of Recreational Use: Superintendents will develop and implement visitor use management plans and take management actions, as appropriate, to ensure that recreational uses and activities within the park are consistent with its authorizing legislation or proclamation and do not impair park resources or values. Depending on local park needs and circumstances, these plans may be prepared as coordinated activity-specific documents (such as river use plan, backcountry use plan, wilderness management plan, off-road vehicle use plan, winter use plan); as action plan components of a resource management plan or general management plan; or as a single integrated plan that addresses a broad spectrum of recreational activities. Regardless of their format or complexity, visitor use management plans will (1) contain specific, measurable management objectives related to the activity or activities being addressed; (2) be periodically reviewed and updated; and (3) be consistent with the carrying capacity decisions made in the general management plan.

The Service will seek consistency in recreation management policies and procedures on both a Service-wide and interagency basis to the extent practicable. However, because of differences in the enabling legislation and resources of individual parks, and differences in the missions of the Service and other

federal agencies, an activity that is entirely appropriate when conducted in one location may be inappropriate if conducted in another. The Service will consider a park's purposes and the effects on park resources and visitors when determining the appropriateness of a specific recreational activity.

Appropriate tools for managing recreational activities may include general or special regulations; permit and reservation systems; and local restrictions, public use limits, closures, and designations implemented under the discretionary authority of the superintendent (see 36 CFR 1.5). Any restriction of recreational use will be limited to what is necessary to protect park resources and values, to promote visitor safety and enjoyment, or to meet park management needs. To the extent practicable, public use limits established by the Service will be based on the results of scientific research and other available support data. However, an activity will be restricted or prohibited when, in the judgment of the superintendent, its occurrence, continuation, or expansion would violate the criteria listed in section 8.2.

Recreational activities that are proposed as organized events or that involve commercialization, advertising, or publicity on the part of participants or organizers are defined as "special events," and are managed in accordance with the policies in section 8.6.2; regulations in 36 CFR 2.50; and criteria and procedures in Director's Order #53: Special Park Uses.

(See Park Planning Processes 2.3, Wilderness Management Planning 6.3.4.2, General Policy 6.4.1, Commercial Visitor Services 8.2.2.2, River Use 8.2.2.3, Backcountry Use 8.2.2.4, Fishing 8.2.2.5, Hunting and Trapping 8.2.2.6, Off-road Vehicle Use 8.2.3.1, Snowmobiles 8.2.3.2, Visitor Safety 8.2.5.1, Native American Use 8.5, Special Park Uses 8.6, Collecting Natural Products 8.8; also see Director's Order #2, Director's Order #12: Conservation Planning and Environmental Impact Analysis)

8.2.2.2 Commercial Visitor Services: The Park Service may permit commercial visitor services that are necessary and appropriate for public use and enjoyment of the park, and that are consistent to the highest practicable degree with the preservation and conservation of the park's resources and values. Commercial visitor services

- Will be operated only under concession contracts or commercial use permits;
- Should not be provided within a park if the identified needs for visitor services can be adequately met outside park boundaries; and
- Must comply with chapter 10; Director's Orders #48A: Concession Management, and 48B: Commercial Use Authorizations; and the regulations found in 36 CFR Part 51.

(See Commercial Services 6.4.4)

8.2.2.3 River Use: A river use management plan will be developed for each park having significant levels of river use, or the potential for such use, unless the planning is accomplished through some other document. Appropriate types and levels of public uses will be identified and managed to prevent adverse impacts on aquatic resources or on visitor enjoyment. Each river management plan will include specific procedures for disposing of refuse and human waste.

(See Implementation Planning 2.3.3, Water Resource Management 4.6, Floodplains 4.6.4, Wetlands 4.6.5, Grazing 8.6.8)

8.2.2.4 Backcountry Use: The Park Service uses the term “backcountry” to refer to primitive, undeveloped portions of parks. This is not a specific management zone, but rather refers to a general condition of land that may occur anywhere within a park. Backcountry use will be managed in accordance with a backcountry management plan (or other plan addressing backcountry uses) that is designed to avoid unacceptable impacts on park resources or adverse effects on visitor enjoyment of appropriate recreational experiences. The Service will identify acceptable limits of impacts, monitor backcountry use levels and resource conditions, and take prompt corrective action when unacceptable impacts occur. Strategies designed to guide the preservation, management, and use of the backcountry and to achieve the park’s management objectives will be integrated into the park’s backcountry management plan.

The number and types of facilities to support visitor use, including sanitary facilities, will be limited to the minimum necessary to achieve a park’s backcountry management objectives and to provide for the health and safety of park visitors. To avoid the need for sanitary facilities, public use levels will be managed, where practicable, in accordance with the natural system’s ability to absorb human waste. Refuse may not be disposed of in backcountry areas, except that combustible materials may be burned where authorized. All other refuse will be carried out. The Service will not provide refuse containers in backcountry areas.

(See Water Resource Management 4.6, Management Facilities 6.3.10, Wilderness Use Management 6.4, Waste Management 9.1.6.1, Comfort Stations 9.3.3; also see Director Order #83: Public Health)

8.2.2.5 Fishing: Recreational fishing will be allowed in parks when it is authorized, or not specifically prohibited, by federal law, provided that it does not threaten natural aquatic ecosystems or riparian zones. When fishing is allowed, it will be conducted in accordance with applicable federal laws and treaty rights, and state laws and regulations. The Service may restrict fishing activities whenever necessary to achieve management objectives outlined in a park’s resource management plan or to otherwise protect park resources, unless such restrictions would violate a federal law or treaty. Before the Service implements regulations or other restrictions, representatives of appropriate tribes, and state and federal agencies will be consulted. Any such regulations or other restrictions will be developed with public involvement.

Commercial fishing will be allowed only when specifically authorized by federal law or treaty right.

(See Implementation Planning 2.3.3, Planning for Natural Resource Management 4.1.2, Harvested Aquatic Species 4.4.5.2, Facilities for Water Recreation 9.3.4.2)

8.2.2.6 Hunting and Trapping: Hunting, trapping, or any other method of harvesting wildlife by the public will be allowed only where it is specifically authorized by a park’s enabling legislation. Where such an activity is authorized on a discretionary basis under federal law, it may take place only after the Service has determined that the activity will not compromise public safety and enjoyment, and that the proposed use is consistent with sound resource management principles.

Hunting and trapping, when authorized, will be conducted in accordance with federal law and applicable

laws of the state or states in which a park is located. However, the park in which it occurs must also publish special regulations to govern the activity, and those regulations may be more restrictive than applicable state regulations, if the superintendent finds that such restrictions are necessary for public safety, resource protection, or visitor enjoyment. Before the Service implements regulations or other restrictions, representatives of appropriate tribes, and state and federal agencies will be consulted. Any such regulations or other restrictions will be developed with public involvement.

(See Management of Harvested Animals 4.4.5, Genetic Resources 4.4.7)

8.2.2.7 BASE Jumping: BASE (Buildings, Antennae, Spans, Earth forms) jumping -- also known as fixed object jumping -- involves an individual wearing a parachute jumping from buildings, antennae, spans (bridges), and earth forms (cliffs). Section 2.17 of 36 CFR prohibits parachute use, except in emergencies involving public safety or serious property loss, or pursuant to the terms and conditions of a permit. This is not an appropriate public use activity within national park areas, and permits will be issued only under the most compelling circumstances.

8.2.3 Use of Motorized Equipment

The variety of motorized equipment--including visitor vehicles, concessioner equipment, and Park Service administrative or staff vehicles and equipment--that operates in national parks has the potential to adversely impact park resources, including the park's natural soundscape. In addition to their natural values, natural sounds, such as waves breaking on the shore, the roar of a river, and the call of a loon, form a valued part of the visitor experience. Conversely, the sounds of motor vehicle traffic, an electric generator, or loud music can greatly diminish the solemnity of a visit to a national memorial, the effectiveness of a park interpretive program, or the ability of a visitor to hear a bird singing its territorial song. Many parks that *appear* as they did in historical context no longer *sound* the way they once did.

The Service will strive to preserve or restore the natural quiet and natural sounds associated with the physical and biological resources of parks. To do this, superintendents will carefully evaluate and manage how, when, and where motorized equipment is used by all those--including park staff--who operate equipment in the parks. Uses and impacts associated with the use of motorized equipment will be addressed in park planning processes. Where such use is necessary and appropriate, the least impacting equipment, vehicles, and transportation systems should be used. The natural ambient sound level--that is, the environment of sound that exists in the absence of human-caused noise--is the baseline condition, the standard against which current conditions in a soundscape will be measured and evaluated.

(See Soundscape Management 4.9)

8.2.3.1 Off-road Vehicle Use: Off-road motor vehicle use on public lands is governed by Executive Order 11644 (as amended by Executive Order 11989) which defines off-road vehicle as "any motorized vehicle designed for or capable of cross-country travel on or immediately over, land, water, sand, snow, ice, marsh, swampland, or other natural terrain" (except any registered motorboat or any

vehicle used for emergency purposes). Any time there is a proposal to allow a motor vehicle meeting this description to be used in a park, the provisions of the Executive Order must be applied. Within the national park system, routes and areas may be designated for off-road motor vehicle use only by special regulation, and only in national preserves, national seashores, national lakeshores, and national recreation areas. Routes and areas may be designated only in locations in which there will be no adverse impacts on the area's natural, cultural, scenic, and esthetic values, and in consideration of other visitor uses. The criteria listed in section 8.2 must also be applied to determine whether off-road vehicle use may be allowed.

NPS administrative off-road motor vehicle use will be limited to what is necessary to manage the public use of designated off-road vehicle routes and areas; to conduct emergency operations; and to accomplish essential maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

(See Minimum Requirement 6.3.5, Management Facilities 6.3.10, General Policy 6.4.1; see also 36 CFR 4.10)

8.2.3.2 Snowmobiles: Snowmobile use is a form of off-road vehicle use governed by Executive Order 11644 (as amended by Executive Order 11989) and, in Alaska, by provisions of ANILCA (16 USC 3121 and 3170). The use of snowmobiles is prohibited except on designated routes and frozen water surfaces that are used during other seasons by motor vehicles and motorboats, respectively, or as otherwise specifically provided by federal statute. NPS regulations implementing Executive Order 11644, as it applies to snowmobile use, are found in 36 CFR 2.18. Those regulations stipulate, among other things, that routes and water surfaces may be designated for snowmobile use only when:

- The use is consistent with a park's natural, cultural, scenic and esthetic values; and
- The use is consistent with the park's management objectives; and
- Safety considerations are satisfactorily addressed; and
- The use will not disturb wildlife or damage park resources; and
- Conflicts with other park uses can be minimized.

NPS administrative use of snowmobiles will be limited to what is necessary to manage public use of snowmobile routes and areas; to conduct emergency operations; and to accomplish essential maintenance, construction, and resource protection activities that cannot be accomplished reasonably by other means.

(See Minimum Requirement 6.3.5, Management Facilities 6.3.10, General Policy 6.4.1)

8.2.3.3 Personal Watercraft: Motorized Personal Watercraft (PWC) are generally prohibited in units of the national park system. However, PWC use may be appropriate in some park areas, particularly in areas that were established primarily for their water-related recreational values (such as some national recreation areas and national seashores). In these limited cases, if, based on an evaluation of a park's enabling legislation, resources and values, other visitor uses, and overall management objectives, PWC use is found to be appropriate and consistent with the criteria in section 8.2, it may be allowed through the promulgation of special regulations, or through the superintendent's compendium

(Also see 36 CFR 1.5 and 1.7)

8.2.4 Accessibility for Persons with Disabilities

All reasonable efforts will be made to make NPS facilities, programs, and services accessible to and usable by all persons, including those with disabilities. This policy reflects an NPS commitment to provide access to the widest cross section of the public, and to ensure compliance with the intent of the Architectural Barriers Act and the Rehabilitation Act. The Americans with Disabilities Act of 1990 (ADA) generally does not apply to the federal government; however, the Service will comply with Departmental policy and utilize ADA-compliant comprehensive design standards for buildings and facilities. The Service will also comply with section 507 of the ADA, which relates specifically to the operation and management of federal wilderness areas. Specific guidance for implementing these laws is found in Department of the Interior regulations at 43 CFR Part 17.

One primary tenet of disability requirements is that, to the highest degree feasible, persons with disabilities should be able to participate in the same programs and activities available to everyone else. In choosing among methods of providing accessibility, priority will be given to methods that offer programs and activities in the most integrated setting that is appropriate. Special, separate, or alternative facilities, programs, or services will be provided only when existing ones cannot reasonably be made accessible. The determination of what is reasonable will be made only after careful consultation with disabled persons or their representatives. Any decision that would result in less than equal opportunity is subject to the filing of an official disability rights complaint under the Departmental regulations cited above.

(See Physical Access for Persons with Disabilities 5.3.2, Accessibility for Persons with Disabilities 6.4.10; Accessibility for Persons with Disabilities 9.1.2; also see Director's Order #16A: Reasonable Accommodation for Applicants and Employees with Disabilities, Director's Order #42: Accessibility for People with Disabilities in National Park Service Facilities, Programs and Services)

8.2.5 Visitor Safety and Protection

8.2.5.1 Visitor Safety: The 1916 Organic Act requires the National Park Service to provide for public enjoyment of the parks while conserving the scenery and natural and historic objects and wildlife therein “in such manner and by such means as will leave them unimpaired for the enjoyment of future generations” (16 USC 1). This means that public enjoyment, and management activities associated with it, may be provided only to the extent they will not impair park resources and values. In making decisions on such matters, superintendents must exercise judgment and discretion. Although providing for public enjoyment includes minimizing safety hazards, park superintendents have a compelling duty to minimize intrusion upon natural and cultural resources, and to operate within the limits of available funding and staffing. As a result, some forms of visitor safeguards -- such as fences, railings, and paved walking surfaces -- typically found in other public venues may not be appropriate or practicable in a park setting.

While recognizing these limitations on its capability to totally eliminate all hazards, the Park Service and

its concessioners, contractors, and cooperators will seek to provide a safe and healthful environment for visitors and employees. The Service will work cooperatively with other federal, tribal, state, and local agencies, organizations, and individuals to carry out this responsibility. The Service will strive to identify recognizable threats to the safety and health of persons and to the protection of property by applying nationally accepted codes, standards, engineering principles, and the guidance contained in Director's Orders #50 and #83, and their associated reference manuals. When practicable and not detrimental to Service mandates to preserve park resources, known hazards will be reduced or removed. When providing for persons' safety and health is inconsistent with congressionally designated purposes and mandates, or impracticable, efforts will be made to provide for safety and health through other controls, including closures, guarding, signing, or other forms of education.

The Service recognizes that the park resources it must protect are not only a visitor attraction, they may also be potentially hazardous. Furthermore, the recreational activities of some visitors may be of an especially high-risk, high-adventure type, which pose a significant personal risk to participants, and which the Service has neither the authority nor the ability to physically control. Park visitors must assume a certain degree of risk and responsibility for their own safety when visiting areas that are managed and maintained as natural, cultural, or recreational environments.

These management policies do not prescribe mandatory visitor safety requirements. The means by which public safety concerns are to be met are left to the discretion of decision-makers at the park level. Examples include decisions about whether to install warning signs or artificial lighting; distribute weather warnings or advisories; initiate search and rescue operations, or render emergency aid; eliminate potentially dangerous animals; close roads and trails, or install guardrails and fences; and grant or deny backcountry or climbing permits.

(See Air Quality 4.7.1, Lightscape Management 4.10, General Policy 6.4.1, Siting Facilities to Avoid Natural Hazards 9.1.1.6, Waste Management and Contaminant Issues 9.1.6, Risk Management Program 10.2.4.8, Food Service Sanitation Inspections 10.2.4.14)

8.2.5.2 Emergency Preparedness and Emergency Operations: The National Park Service will develop a program of emergency preparedness in accordance with Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 USC 5195 -- 5197g); National Security Decision Directive 259 (Feb. 4, 1987); Department of the Interior policy; and other considerations at the Washington, regional, and park levels. The purpose of the program will be to maximize visitor and employee safety and the protection of resources and property. This program will include a systematic method for alerting visitors about potential disasters and evacuation procedures.

Superintendents may assist other agencies with emergencies outside of parks, as authorized by 16 USC 1b(1). To the extent practicable, written agreements with other agencies, in accordance with Director's Order #20, must first be in effect. NPS employees who are outside the area of their jurisdiction, and who are directed by their supervisors to provide emergency assistance to other agencies, will be considered to be acting within the scope of their employment.

Park Service emergency operations will generally be conducted utilizing the Incident Command System (ICS) of the National Interagency Incident Management System, or, for incidents involving hazardous materials or oil spills, the Unified Command System. Another command system may be utilized if necessary and appropriate to accommodate the needs of another responding entity. Each park superintendent will develop and maintain an emergency operations plan to ensure an effective response to all types of emergencies that can be reasonably anticipated.

As one element of the emergency operations plan, or as a separate document, each park must have an oil and chemical spill response management plan for spills that result from NPS activities or from activities that are beyond the NPS's control (such as commercial through-traffic on roads that pass through a park). The plans will place first priority on responder and public safety. Employees will not be permitted to respond to hazardous materials spills unless they are properly qualified and certified in accordance with Director's Order #79: Oil and Hazardous Materials Spill Response. The Service will seek to recover all allowable direct and indirect costs for responding to oil or hazardous materials spills.

(See Emergency Management 5.3.1.1)

8.2.5.3 Law Enforcement: The National Park Service will make reasonable efforts to provide for the protection, safety, and security of park visitors, employees, concessioners, and public and private property, and to protect the natural and cultural resources entrusted to its care. Park law enforcement activities will be managed by the superintendent as part of a comprehensive interdisciplinary effort to protect resources, manage public use, and promote public safety and appropriate enjoyment.

In accordance with the National Park System General Authorities Act (16 USC 1a-6), employees with law enforcement responsibilities will meet the standards prescribed in regulations issued by the Secretary of the Interior for such authority. Only employees designated by the Secretary of the Interior may perform law enforcement duties and enforce applicable laws and regulations. Recognizing that effective enforcement requires a cooperative community effort, employees without law enforcement commissions will continue to share responsibility for the protection of park resources and visitors, and they will be expected to report any apparent violations or suspicious activities. Therefore, all park employees will be trained to recognize, observe, and record criminal acts and illegal activities. The Service will also encourage and assist park neighbors in the development of cooperative crime prevention and detection programs.

Park Service law enforcement programs will be managed and supervised in accordance with applicable laws and regulations; the Department of the Interior Manual; and Director's Order #9: Law Enforcement, or U.S. Park Police General Orders, as appropriate.

8.2.5.4 Search and Rescue: To provide for the protection and safety of park visitors, the Service will make reasonable efforts to search for lost persons, and to rescue sick, injured, or stranded persons. This responsibility may be fulfilled by Service staff or by qualified search-and-rescue organizations or agencies that are capable of responding to life-threatening emergencies pursuant to the terms of a formal agreement. Deceased persons will be evacuated unless the level of risk to the rescue

party is found to be unwarranted. Search managers and superintendents will jointly determine when to terminate a search. The NPS will not charge visitors for search and rescue operations.

(See Management Facilities 6.3.10, General Policy 6.4.1)

8.2.5.5 Emergency Medical Services: The Service will make reasonable efforts to provide appropriate emergency medical services for persons who become ill or injured. An emergency medical services program will be maintained to provide transportation of the sick and injured, and emergency pre-hospital care, which may range from minor first aid to advanced life support in various environmental settings. Transportation may include everything from patrol cars and ambulances, to fixed-wing-plane and helicopter air ambulances.

Qualified emergency medical services in local communities may be used if such services can respond rapidly enough in life-threatening emergencies. When such services are not available, the NPS will make a reasonable effort to provide a level of emergency medical service commensurate with park needs, and in response to an emergency medical needs assessment. Each superintendent will develop and implement a program to meet those needs, in accordance with Director Order #51: Emergency Medical Services.

8.3 RECREATION FEES AND RESERVATIONS

The National Park Service may charge a recreation admission or use fee at parks. Although these fees may provide for support of the overall management and operation of parks, they are not intended to totally offset the operational costs associated with a park. Such services include protection; resource management; information and orientation; maintenance of park facilities; and interpretation to foster an understanding and appreciation of each park's resources, management procedures, regulations, and programs. Fees may be instituted for secondary or special services that the NPS cannot, or elects not to, offer because of economic constraints or the need for special skills or equipment, or because they are purely supplemental programs. The Park Service may also contract for the collection of recreational fees if there is a demonstrated benefit to the collecting park unit. In all cases, fee programs will support park purposes and comply with appropriate Service policies and standards.

(See Commercial Use Authorizations 10.3)

8.3.1 Recreation Fees

Visitors who use federal facilities and services for recreation may be required to pay a greater share of the cost of providing those opportunities than the population as a whole. Under the guidelines and criteria established by law and regulation, the Service will collect recreation fees of the appropriate type for its parks, facilities, and programs. No fees will be collected in circumstances in which the costs of collection would exceed revenue, or where prohibited by law or regulation. Fees charged for recreational activities will be collected only in accordance with the applicable authority, and recreation fee revenues will be managed according to law and policy. Fee rates will be reasonable and equitable, and consistent with criteria and procedures contained in law and NPS guidance documents. Those who lawfully enter or use a

park for activities not related to recreation will not be charged an entrance fee, recreation use fee, or special recreation permit fee. Examples of non-recreation exemptions include persons entering parks for

- First Amendment, agricultural, grazing, and commercial filming activities;
- NPS-authorized research activities;
- Federal, state and local government business; and
- Outings conducted for educational purposes by schools and other bonafide educational institutions.

(Also see 36 CFR 71.13)

8.3.2 National Park Reservation Service

To better serve park visitors, to ensure the protection of park resources, or to improve operational efficiency, the NPS will operate a national reservation service of its own, or participate in an inter-agency system. A reservation service may involve campgrounds, other facilities, tours, or other services operated or provided by the NPS for visitors. Existing reservation services may be expanded or new services developed, based on NPS needs.

Superintendents should consider participating in the Service-wide reservation system whenever visitors consistently experience difficulty in gaining access to a facility or program offered by the NPS. In order to avoid duplicative costs and confusion, a park must first determine that a Service-wide system already in operation will not accommodate the park's reservation needs, before participating in some other type of reservation system.

(See Chapter 7: Interpretation and Education)

8.4 OVERFLIGHTS AND AVIATION USES

A variety of aircraft, including military, commercial, general aviation, and aircraft used for National Park Service administrative purposes, fly in the airspace over national parks. Noise and vibration resulting from overflights can adversely affect park resources and values and interfere with visitor enjoyment. The Service will take all necessary steps to avoid or to mitigate adverse effects from aircraft overflights.

Because the nation's airspace is managed by the Federal Aviation Administration (FAA), the Service will work constructively and cooperatively with the FAA, as well as with national defense and other agencies, to ensure that authorized aviation activities affecting units of the national park system occur in a safe and appropriate manner, with minimal impact on park resources and values and visitor experiences. The Service will build and maintain a cooperative and problem-solving relationship with national defense agencies to address the congressionally mandated mission of each agency, and prevent or mitigate any adverse effects of military training or operational flights on park resources or visitors. Cooperation is essential because the other agencies involved have statutory authorities and responsibilities that must be recognized by the Service.

(See Soundscape Management 4.9; also see Director's Order #47: Noise Management, Director's Order #60A: Aviation Management)

8.4.1 Alaska and Remote Areas

Aviation can provide an important, and in some cases the preferred, means of access to remote areas in certain parks, especially in Alaska . In such cases, access by aircraft may make an important contribution to the protection and enjoyment of those areas. Dependence on aviation will be fully considered and addressed in the planning process for those parks.

(Also see 43 CFR 36.11(f))

8.4.2 Education

The Service will develop educational materials for the general public and for aviation interests, describing the importance of the natural soundscape and tranquility to park visitors, as well as the need for cooperation from the aviation community.

(See Chapter 7: Interpretation and Education, Soundscape Management 4.9)

8.4.3 General Aviation

The Service will work closely with the FAA and with general aviation organizations to ensure that general aviation operations over units of the national park system are conducted in accordance with applicable FAA advisories and “fly-friendly” techniques and procedures designed to help pilots minimize impacts on national parks. The Service will seek the assistance of these organizations in problem resolution if general aviation concerns arise over national parks.

8.4.4 Administrative Use

Aviation is a necessary and acceptable management tool in some parks when used in a manner consistent with the NPS mission. Aviation activities will comply with all applicable policies and regulations issued by the Department of the Interior Office of Aircraft Services, the FAA, and the NPS. In its administrative use of aircraft, the Service will:

- Use, to the maximum extent practicable, the quietest aircraft available for its aviation operations.
- Limit official use of flights over parks to those needed to support or carry out emergency operations or essential management activities in cases where there are no practical alternatives or when alternative methods would be unreasonable. Full consideration will be given to safety; wilderness management implications; impacts on resources, values, or visitors; impacts on other administrative activities; and overall cost-effectiveness.

- Plan, schedule, and consolidate flights so as to avoid or minimize adverse impacts on park resources and values and visitor enjoyment.
- Require other agencies that request to use aircraft within park boundaries to comply with the standards and policies applicable to NPS aircraft.

(Also see Director's Order #60A: Aviation Management)

8.4.5 Military Aviation

The Service will work cooperatively with agencies of the Department of Defense in order to address the congressionally-mandated missions of all agencies. In addition, the Service will prevent or ensure the mitigation of any adverse effects of overflights related to military training or operational low-level overflights on park resources, values, or visitor experiences in national park units. Superintendents are responsible for opening lines of communication with base commanders controlling Military Training Routes or Military Operations Areas that may affect their parks, and for developing formal agreements that mitigate identified impacts.

8.4.6 Commercial Air Tourism

Some flights that carry passengers for compensation or hire operate in whole or in part for the purpose of accessing a park for sightseeing, photography, or similar purposes. The Service will treat these commercial air tourism flights over national parks as a legitimate visitor service if an air tour management plan (ATMP) finds that such flights are valued and appropriate, and do not adversely affect a park's resources, values, or desired visitor experiences. ATMPs will be developed by the Service through a public planning process conducted jointly with the FAA. In its planning and decision-making related to commercial air tourism, the Service will consider commercial air tour passengers to be park visitors.

8.4.7 Permitted Overflights

When issuing permits for activities such as filming or research, in which the use of aircraft is proposed, the superintendent will impose conditions to protect park resources and values from adverse impacts. Permit requests will be denied if the activity will adversely affect a park's resources, values, or desired visitor experiences.

8.4.8 Airports and Landing Sites

Private or commercial aircraft may be operated in parks only on lands or water surfaces designated by the Park Service as landing sites. The Service will evaluate and manage aircraft landing sites under its jurisdiction to ensure the use of the sites will result in no significant adverse impacts on park resources and values, public safety, or visitor enjoyment. Existing sites that meet these criteria and that have been designated as a result of previously established use may be retained as long as the administrative need for

them continues. New sites will be designated only where essential to provide access to remote areas (other than wilderness), and only where the site can be established, used, and maintained without the need for new construction or major site improvements.

The National Park Service will also work with entities having jurisdiction over landing sites and airports adjacent to parks for the purpose of preventing, reducing, or otherwise mitigating the effects of aircraft operations. Whether landing sites or airports are situated within or adjacent to parks, the objective will be to minimize noise and other impacts, and confine them to the smallest and most appropriate portion of the park as possible, consistent with safe aircraft operations.

(See also 36 CFR 2.17; Reference Manual 47)

8.5 NATIVE AMERICAN USE

The National Park Service, to the extent consistent with each park's legislated purposes, will develop and execute its programs in a manner that reflects knowledge of and respect for the cultures--including religious and subsistence traditions--of Native American tribes or groups with demonstrated ancestral ties to particular resources in parks. Evidence of such ties will be established through systematic archeological or ethnographic studies, including ethnographic oral history and ethnohistory studies, or a combination of these sources. For purposes of these policies, the term "Native American" encompasses American Indians, including Carib and Arawak; Eskimo; Aleut; and Native Americans of the Pacific Islands, including native Hawaiians, native Samoans, Chamorros, and Carolinians; and the term will be applicable to federally and state recognized tribes and to those Native Americans who are defined by themselves and known to others as members of a named cultural unit that has historically shared a set of linguistic, kinship, political, or other distinguishing cultural features.

In developing its plans and carrying out its programs, the Service will ensure the following:

- Park Service general regulations applying to access to and use of natural and cultural resources in parks will be applied in an informed and balanced manner that is consistent with park purposes, does not unreasonably interfere with Native American use of traditional areas or sacred resources, and does not result in degradation of park resources.
- Superintendents will establish and maintain effective consulting relationships with potentially affected Native American tribes or groups.
- Management decisions will reflect knowledge and understanding of potentially affected Native American cultures and people, gained through research and consultations with the potentially affected groups.

The American Indian Religious Freedom Act (42 USC 1996) states that "henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right to freedom to believe,

express, and exercise the traditional religions of the American Indians, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.” The Service recognizes that site-specific worship is vital to Native American religious practices. As a matter of policy, and in keeping with the spirit of the law, the National Park Service will be as unrestrictive as possible in permitting Native American access to and use of traditional sacred resources for customary ceremonials, provided that such use does not cause impairment of the resources.

The Service will permit members of Native American tribes or groups to have access to park areas to perform traditional religious, ceremonial, or other customary activities at places that have been used historically for such purposes. The Service will not direct visitor attention to the performance of religious observances unless the Native American group so wishes.

Members of Native American tribes or groups may enter parks for traditional non-recreational activities without paying an entrance fee.

The Service will protect sacred resources to the extent practicable and in a manner consistent with the goals of the traditionally associated Native American tribe or group. The location and character of sacred sites will be withheld from public disclosure, in accordance with the National Historic Preservation Act, if disclosure will impede the use of the site by practitioners.

The ceremonial use of peyote will be limited to members of the Native American Church during religious ceremonies, in accordance with regulations of the Department of Justice, Drug Enforcement Administration ("Special Exempt Persons, Native American Church," 21 CFR 1307.31).

The Service will regularly and actively consult with traditionally associated Native American individuals or groups regarding planning, management, and operational decisions that affect subsistence activities, sacred materials or places, or other ethnographic resources with which they are historically associated. Information about the outcome of these consultations will be made available to those consulted.

(See Resource Access and Use 5.3.5.3.1, Sacred Sites 5.3.5.3.2, First Amendment Activities 8.6.3, Collecting Natural Products 8.8, Consumptive Uses 8.9; also see Executive Order 13007, Director Order #72: Indian Sacred Sites)

8.6 SPECIAL PARK USES

8.6.1 General

A special park use is defined as a short-term activity that takes place in a park area and that:

- Provides a benefit to an individual, group, or organization rather than the public at large;
- Requires written authorization and some degree of management control from the Service in order

to protect park resources and the public interest;

- Is not prohibited by law or regulation;
- Is neither initiated, sponsored, nor conducted by the Service; and
- Is not managed under a concession contract or commercial use permit (see chapter 10), a recreation use covered by section 4 of the Land and Water Conservation Fund Act, or a historic lease (see chapter 5).

8.6.1.1 Requests for Permits: Each request to permit a special park use or to renew authorization of an existing use will be reviewed and evaluated by the superintendent according to the terms of applicable legislation, regulations, and management planning documents, using criteria and procedures outlined in Director's Order #53. When considering permit requests, superintendents will take into account Service-wide implications of their decisions. A superintendent must deny initial requests, or requests for renewal, upon finding that the proposed activity would not be allowed under the criteria listed in section 8.2. The superintendent likewise must terminate previously authorized special park uses based on such a finding.

8.6.1.2 Fees: Appropriate fees for cost recovery, as well as performance bond and liability insurance requirements, will be imposed, consistent with applicable statutory authorities and regulations. All costs incurred by the Service in writing the permit, monitoring, providing protection services, or otherwise supporting a special park use will be reimbursed by the permittee as a condition of the permit. When appropriate, the Service will also include a fair charge for the use of the land or facility.

(See Park Management 1.4, Recreation Fees and Reservations 8.3, Special Events 8.6.2; also see Director's Order #53: Special Park Uses)

8.6.2 Special Events

8.6.2.1 General: Special events--such as sports, pageants, regattas, public spectator attractions, entertainment, ceremonies, and encampments--may be permitted by the superintendent when (1) there is a meaningful association between the park area and the event, and (2) the event will contribute to visitor understanding of the significance of the park area. However, a permit must be denied if the event would be disallowed under the criteria listed in section 8.2. The superintendent must ensure that appropriate permit conditions are imposed for special events.

The Park Service will not permit the public staging of special events that are conducted primarily for the material or financial benefit of organizers or participants, or which involve commercialization, or in-park advertising or publicity. However, park buildings or specially designated locations that are suitable and appropriate may be made available for private, "by-invitation-only" events. Admission fees for, or any other monies associated with the event, may not be collected on park premises.

(See Special Events 6.4.5, Personal Services 7.3.1, Cultural Demonstrators 7.5.6, Facilities for Arts and Culture 9.3.1.7; also see 36 CFR 2.50 and 36 CFR 7.96)

8.6.2.2 Helium-filled Balloons: Helium-filled balloons pose a danger to the health and safety of marine wildlife (such as sea turtles and sperm whales) and create a litter problem. Therefore, no releases of helium-filled balloons into the atmosphere will be authorized, except for research or planning purposes. Releasing balloons indoors where they can be retrieved may be authorized under permit.

8.6.2.3 Fireworks Displays: Fireworks displays are not permitted in parks where natural features are a prominent theme. In other parks, such displays must be approved by the superintendent, following consultation with the regional safety officer.

8.6.2.4 Sale of Food or Merchandise: The sale of food in the parks is allowed when managed under a permit which does not conflict with a concession contract, and complies with applicable public health codes and Director's Order #83: Public Health. The sale of printed material as defined in 36 CFR 2.52 and Reference Manual 53 is allowed; but the sale of all other merchandise, including, but not limited to, T-shirts, clothing, and arts and crafts, is prohibited. These restrictions do not apply to the sale of products produced in the conduct of living exhibits, interpretive demonstrations, or park programs as authorized under 16 USC 1a-2(g).

(See 60 FR 17639)

8.6.3 First Amendment Activities

The National Park Service will authorize the use of park land for public assemblies, meetings, demonstrations, religious activities, and other public expressions of views protected under the First Amendment of the U.S. Constitution, in accordance with NPS regulations. To ensure public safety and the protection of park resources and values, and to avoid assigning the same location and time to two or more activities, the Service may manage these activities by issuing a permit to regulate the time, location, number of participants, use of the facilities, and number and type of equipment used, but not the content of the message presented.

Locations within a park that are available for public assemblies and other First Amendment activities, including the sale and distribution of printed matter, will be so designated by the superintendent on a map in accordance with criteria found in NPS regulations (36 CFR 2.51, 2.52, and 7.96), unless the sites are otherwise protected from public disclosure, such as sites sacred to Native Americans or sites with vulnerable natural and cultural resources.

When the Service allows one group to use an area or facility for expressing views, it must provide other groups with a similar opportunity, if requested. No group wishing to assemble lawfully may be discriminated against or denied the right of assembly, provided that all permit conditions are met. Whenever religious activities are conducted in parks, any Park Service actions pertaining to them must

reflect a clearly secular purpose, must have a primary effect that neither advances nor inhibits religion, and must avoid “excessive governmental entanglement with religion.”

NPS staff on duty in an area in which a First Amendment activity is being conducted will be neutral toward the activity, but will remain responsible for the protection of participants, spectators, private property, public property, and park resources. On-duty staff may not participate in a First Amendment activity. Service employees exercising their First Amendment rights when off-duty must not, in any way, imply any official Service endorsement of the activity.

When a permit is requested for the exercise of First Amendment rights, including freedom of assembly, speech, religion, and the press, the superintendent will issue the permit without any requirement for fees, cost recovery, bonding or insurance.

(See Confidentiality 5.2.3; see also 36 CFR 2.51-52, Reference Manual 53)

8.6.4 Rights-of-Way for Utilities

8.6.4.1 General: A right-of-way is a special park use allowing a utility to pass over, under, or through NPS property, and it may be issued only pursuant to specific statutory authority, and only if there is no practicable alternative to such use of Park Service lands. The issuance of rights-of-way over lands administered by the NPS is governed by statutory authorities in 16 USC 5 (electrical power transmission and distribution, radio and TV, and other forms of communication facilities), and 16 USC 79 (electrical power, telephone, and water conduits). Issuance of a right-of-way under 16 USC 5 or 79 is discretionary, and conditional upon a finding by the Service that the proposed use will not cause impairment or derogation of park resources, values, or purposes, and is not incompatible with the public interest.

A right-of-way proposed for a park in Alaska is subject to the authorities and procedural requirements of title XI of ANILCA.

When an application for a right-of-way is submitted, the superintendent will establish conditions, develop documentation of compliance with NEPA, NHPA, and other statutory compliance requirements as appropriate, and establish appropriate fees. New rights-of-way will be executed by the regional director; conversions from other authorizing documents, amendments, and renewals of existing rights-of-way may be signed by the superintendent. A right-of-way issued by the Park Service is considered a temporary document, and does not convey an interest in land.

National Park Service regulations pertaining to the issuance of rights-of-way are in 36 CFR Part 14; Department of the Interior regulations pertaining to rights-of-way in Alaska are found in 43 CFR Part 36. Additional guidance can be found in Director's Order #53 and Reference Manual 53: Special Park Uses.

Rights-of-way permits are not issued for roads and highways within the federal aid highway system (under 23 USC 107(d) and 317). These highways are more permanent fixtures on the landscape; as such, they

require a highway easement deed. A request for lands for highway purposes under 23 USC 107(d) and 317 is subject to findings specified in 23 USC 138, to be made by the Secretary of Transportation and concurred in by the Secretary of the Interior. There are no general statutory authorities for roads outside the federal aid highway system or for oil or gas pipelines; however, individual park enabling legislation may provide such authorizations.

(See Director's Order #87: Highway Easement Deeds)

8.6.4.2 Telecommunication Antenna Sites: A telecommunication use is considered a utility, which is authorized by a right-of-way permit, if approved. Requests to site non-NPS telecommunication antennas and related facilities on Park Service lands will be considered in accordance with the Telecommunications Act of 1996, and NPS procedures issued through Director's Order #53. Among other requirements:

- Superintendents will encourage preliminary meetings with telecommunication antenna applicants who wish to discuss the pending application and address NPS concerns. Similar meetings should be held during the decision-making process, as necessary, particularly if the superintendent is considering denying the application;
- Superintendents will consider the safety of the visiting public when reviewing telecommunication antenna applications, including the potential benefit of having telephone access to emergency law enforcement and public safety services;
- Reviews under NEPA and NHPA will be conducted expeditiously and consistent with all applicable statutes, and within timetables established under Director's Order #53.

(See Rights-of-Way 6.4.7; see also Director's Order #53)

8.6.5 Access to Private Property

The Park Service will allow access to the private property of adjacent landowners when such access is required by law. Commercial vehicles will be allowed access only in accordance with 36 CFR 5.6, "Commercial Vehicles." The Service will also consider allowing access when it would contribute in a material way to the park's mission, provided that the access would not cause impairment or derogation of park resources or values, or the purposes for which the park was established.

8.6.6 Filming and Photography

8.6.6.1 General: The National Park Service will encourage filming and photography when it will promote the protection and public enjoyment of park resources, provided that the activity does not violate the criteria listed in section 8.2.

Filming and photography activities that do not necessarily promote the protection and public enjoyment of parks, but which meet the above criteria, will also be permitted. For the purposes of this policy, “filming” is defined as any technology that may be used for recording images or the sound tracks associated with them, including still, motion, and video filming.

8.6.6.2 Permits and Fees: A permit will be required for any filming or photography that (1) involves the use of a model, set, or prop; or (2) requires entry into a closed area; or (3) requires access to the park after normal working hours.

A permit will not be required for a visitor using a camera and/or a recording device for his/her own personal use, and within normal visitation areas and hours. Press coverage of breaking news never requires a permit; however, it is subject to restrictions and conditions necessary to protect park resources and public health and safety, and to prevent impairment or derogation of park resources and values.

Appropriate fees for cost recovery and use of Park Service lands and/or facilities, as well as performance bond and liability insurance requirements, will be imposed. All costs incurred by the Service in writing the permit, monitoring, providing protection services, or otherwise supporting filming or photography activities will be reimbursed by the permittee as a condition of the permit.

8.6.6.3 NPS Participation: The Service's participation is governed by the following:

- The NPS may actively assist filming and photography activities that promote public understanding and appreciation of the national park system, and the Director may authorize use of the arrowhead symbol for such filming projects.
- A superintendent may request a credit line, provided that the content or subject matter of the filming project would not reflect adversely on the National Park Service.
- Park Service employees, while on duty or in uniform, will not be employed by filming permittees.
- Identifiable NPS equipment, uniforms, or insignia must not be portrayed in any way that would imply Service endorsement of a product or service.
- The NPS will not censor the content of any filming project, nor require finished film products for review, files, or documentation purposes. However, a superintendent may review a story board or other material offered by the applicant to help determine whether (a) a credit line would be appropriate, or (b) it would be appropriate for the NPS to actively assist a filming activity or authorize use of the arrowhead symbol.

Additional guidance is provided by Director's Order #53: Special Park Uses, and Reference Manual 53.
(See also Director's Order #23: Use of the Arrowhead Symbol)

8.6.7 Agricultural Uses

Agricultural uses and activities are authorized in parks in accordance with the direction provided by a park's enabling legislation and general management plan. Agricultural practices and techniques, including the use of pesticides and other bio-control agents such as genetically modified or engineered organisms, should be specified in an approved resource management plan, and are subject to review and approval by the NPS Integrated Pest Management (IPM) program manager. These practices and techniques are also subject to the provisions of federal and state laws, NPS regulations and policies, and Director's Orders #53 and #77-7: Integrated Pest Management. In general, agricultural activities should be conducted in accordance with accepted, best management practices. The Park Service may issue leases or special use permits to individuals or organizations to conduct agricultural activities on park lands.

Agricultural activities, including demonstration farms, prescribed to meet a park's management objectives will be allowed if: (1) they conform to those that occurred during the historic period; (2) they do not result in the impairment or derogation of park resources, values or purposes; and (3) they support the park's interpretive themes. Agricultural uses that do not conform to those in practice during the historic period may be allowed if: (1) they are authorized by the park's enabling legislation; (2) they are retained as a right subsequent to NPS land acquisition; or (3) they contribute to the maintenance of a cultural landscape.

NPS and concession employees living in parks may cultivate gardens for personal use under terms and conditions established by the superintendent. Such use will not be permitted if it would deplete or pollute water supplies, adversely affect visitor enjoyment of the cultural landscape or natural scene, or result in the impairment or derogation of park resources, values, or purposes. In urban parks, areas may be designated for community recreational gardening under the same conditions.

(See Park Planning Processes 2.3, Biological Resource Management 4.4, Pest Management 4.4.11, Cultural Landscapes 5.3.5.2, Personal Services 7.3.1; see also Director's Order #77-7: Integrated Pest Management)

8.6.8 Grazing by Domestic and Feral Livestock

8.6.8.1 General: Livestock -- whether owned by the NPS, the general public, or a commercial interest -- may not be run-at-large, herded, driven across, allowed on, pastured, or grazed in a park unless the activity is:

- Specifically authorized by a park's enabling legislation; or
- A reserved right of use arising from the acquisition of a tract of land; or

- Required in order to maintain a cultural landscape² or
- Conducted as a necessary and integral part of a recreational activity appropriate to the park.

Where livestock use (including cattle, sheep, goats, horses, mules, burros, reindeer, and llamas) occurs in parks, it is categorized as (1) livestock operations, (2) pack and saddle stock, (3) trespass animals, and (4) feral herds. Trespass animals may not be allowed to persist under any circumstances. In parks with authorized grazing, trespass violations will be handled under procedures described in the park livestock management plan, the conditions of the associated permit, and regulations published in 36 CFR 2.60. If grazing is unauthorized, trespass is subject to regulations published in 36 CFR 2.60. When the presence of feral animals, which are considered exotic species, is allowed to continue in a park, it must be carried out under the guidance of a herd management plan.

No grazing activities, regardless of how authorized, will be allowed to impair park resources or values, or the purposes for which a park was established. Livestock use cannot be allowed when it depletes or degrades non-renewable resources, or the effects cannot be satisfactorily mitigated.

8.6.8.2 Managing the Use: Where domestic or feral livestock occurs, the National Park Service will foster “best management practices” that protect vegetation and wildlife and its habitat, safeguard sensitive species, control proliferation of exotic species, conserve soil, protect waterways and ground water, avoid toxic contamination, and preserve cultural sites. Integrated pest management methods and pesticide use on and around livestock must comply with NPS policy on pesticide use. Livestock may be used as part of an integrated program to control exotic plants. Benefits and potential impacts will be carefully weighed.

It is the responsibility of the National Park Service to manage its resources in a manner that conserves them for future generations. Park uses, including domestic and feral livestock, that may jeopardize the sustainability of a park’s natural and cultural resources must be evaluated continuously. Livestock, including trail stock, will be kept within the carrying capacity of the area to be grazed so that the composition, condition, and distribution of native plants and animal communities and ecosystem dynamics are not significantly altered or otherwise threatened; cultural values are protected; and conflicts with public use and enjoyment are kept to a minimum. The use must be discontinued when grazing activities are determined to be in conflict with the park enabling legislation, the NPS Organic Act, or any other law.

8.6.8.3 Management Plans: Each park that allows livestock operations, pack and saddle stock, and/or feral herds will prepare management plans designed to allow the use, while sustaining and protecting park resources and values. Plans will include authority for the use, management and resources objectives, legislative requirements, grazing or livestock history, current condition of range/pasture, monitoring programs, and other relevant information. Restrictions will be placed on the amount and type

² In most cases, leases issued under 16 USC 1a-2(g) and (in very limited circumstances) 16 USC 1a-2(k), rather than special use permits, will be the appropriate instrument for allowing cultural landscape grazing activities.

of use to protect resources and to minimize conflicts with recreational users. Special consideration will be given to protecting wetlands and riparian areas, sensitive species and their habitats, water quality, cultural resources, and other interests. Natural and cultural resources will be given first priority when determining livestock management priorities. A long-term monitoring program will be used to detect change and adjust management to protect resources.

Plans will include an evaluation of impacts, to comply with NEPA and NHPA. A more rigorous assessment is required for areas with unique natural and cultural resources, low precipitation, limited vegetation cover, water quality concerns, highly erodible soils, and sensitive species. Until a plan is completed for livestock operations or pack and saddle stock, compliance will be done when the permitting document is issued or renewed.

In parks with authorized grazing, and with legislation which states that grazing is administered by another agency, the superintendent will work closely with the other agency to manage amounts and types of use, and to ensure that best management practices are followed. Administration by another agency does not release the NPS from responsible management, and compliance with its mission and applicable laws.

The superintendent may impound trespass livestock. If not claimed by the owner within specified periods, animals will be disposed of in accordance with applicable federal and state laws. When trespass occurs with authorized grazing, the violation will be handled in accordance with the park livestock management plan, the associated permit, and 36 CFR 2.60.

8.6.8.4 Permitting Instruments: Non-NPS grazing activities that are allowed will be conducted only pursuant to the terms and conditions of a special use permit, historic property lease, concession contract, commercial use authorization, or wilderness or backcountry permit. The most appropriate instrument for livestock operations and pack and saddle stock generally is the special use permit. When other government agencies or entities are involved, a general agreement is the appropriate instrument to use. Violation of the terms and conditions of the license, permit, contract, lease, or agreement may result in revocation of the grazing privilege. NPS livestock grazing necessary for living history or park operations must comport with the park livestock management plan.

A lease (other than a historic property lease), cooperative agreement, or letter of authorization may not be used for livestock activities.

8.6.8.5 Livestock Facilities: No structures (such as fences, corrals, water developments), other than those authorized by law or approved by the National Park Service for the use of concessioners, the public, or NPS staff, will be allowed in parks to: increase livestock numbers; sustain livestock in areas in which they cannot otherwise be sustained; or introduce livestock into areas that have not previously been open to grazing. The Service will not expend funds to construct or maintain livestock facilities unless there is a direct benefit to the protection of park resources. The permittee may be required to remove structures when grazing activities are no longer authorized.

(See Exotic Species 4.4.10, Water Resource Management 4.6, Identification and Designation of the Wilderness Resource 6.2, Grazing and Livestock Driveways 6.4.6, Equestrian Trails 9.2.3.3, Miscellaneous Management Facilities 9.4.5. Also see Director's Order #77-3: Livestock Grazing, and Reference Manual 77-3; Director's Order #53: Special Park Uses, and Reference Manual 53; Director's Order #77-7: Integrated Pest Management)

8.6.9 Military Operations

In general, military activities are discouraged in parks, except for study of military history at related NPS sites. Periodically, an armed services unit may request the use of park areas for non-combat exercises such as search-and-rescue and outdoor survival. Determining when and where military units may conduct such activities is a discretionary decision of the superintendent. A permitted military activity must conform to the following conditions:

- A permit will be issued that clearly states all necessary conditions or stipulations to protect park resources and visitors;
- All applicable park rules and regulations will be followed;
- No weaponry will be carried, displayed, or used, except for ceremonial purposes or authorized public demonstrations;
- The activity will be conducted away from visitor use locations and out of public view (except where a public demonstration is specifically authorized);
- The military organization will designate a liaison officer who will be available to the superintendent throughout the exercise; and
- The permittee will be educated about how the purpose, mission, and regulations of the park differ from their own missions, especially in regard to resource protection and visitor use and enjoyment.

National security and law enforcement agencies, such as the CIA, FBI, and state police, may seek to conduct similar exercises. These requests should be evaluated in the same way as military special use requests.

8.6.10 Cemeteries and Burials

8.6.10.1 National Cemeteries: All national cemeteries administered by the National Park Service will be managed as historically significant resources and as integral parts of larger historical parks.

Burials in national cemeteries will be permitted, pursuant to applicable regulations, until available space has been filled. The management and preservation of national cemeteries are subject to the provisions of the National Cemeteries Act of 1973; NPS "National Cemetery Regulations" (36 CFR Part 12); and Director's Order #61: National Cemeteries.

The enlargement of a national cemetery for additional burials constitutes a modern intrusion compromising the historical character of both the cemetery and the historical park, and will not be permitted.

8.6.10.2 Family Cemeteries: The burial of family members in family cemeteries that have been acquired by the Park Service in the establishment of parks will be permitted to the extent practicable, pursuant to applicable regulations, until space allotted to the cemeteries has been filled. Family members (or their designees) will be allowed access for purposes of upkeep and commemoration (such as wreath-laying and religious rituals) that do not jeopardize safety or resource protection. Park superintendents will keep active files on cemeteries for the purpose of responding to requests and inquiries.

(See also Director's Order #19: Records Management)

8.6.10.3 Other Burials and the Scattering of Ashes: Other burials or re-interments outside established cemeteries in parks will be prohibited except where permitted by cultural resource policies. The scattering of ashes from cremation may be permitted by a superintendent, in accordance with NPS general regulations in 36 CFR 2.62, and applicable state laws. Authorization to scatter ashes must take into account potential conflicts with the spiritual or cultural practices of the indigenous people associated with the area.

(See Stewardship of Human Remains and Burials 5.3.4, Cultural Resources 6.3.8, Consultation 7.5.5)

8.6.11 Other Special Park Uses

Other special park uses that may be allowed under permit or special regulations include the use of explosives, and the use of portable power equipment. Specific guidance is provided in 36 CFR Part 2, Director's Order #53: Special Park Uses, and Reference Manual 53.

(See Director's Order #65: Explosives Use and Blasting Safety)

8.7 MINERAL EXPLORATION AND DEVELOPMENT

Mineral exploration and development includes exploration, extraction, production, storage, and transportation of minerals. Mineral exploration or development may be allowed in parks only when prospective operators demonstrate that they hold rights to valid mining claims, federal mineral leases, or non-federally-owned minerals. If this right is not clearly demonstrated, the National Park Service will inform the prospective operator that, until proof of a property right is shown, the Service will not further consider the proposed activity. If the Service determines that the proposed mineral development would impair or be in derogation of park resources, values, or purposes, or does not meet approval standards under applicable NPS regulations, and cannot be sufficiently modified to meet those standards, the Service will seek to extinguish the associated mineral right through acquisition, unless otherwise directed by Congress. In some parks, all or certain types of mineral development are specifically prohibited by law.

All persons who conduct mineral development within parks will do so only in conformance with applicable laws, regulations and NPS policies. These laws include the Mining in the Parks Act; the Mineral Leasing Act; the Acquired Lands Mineral Leasing Act; the Surface Mining Control and Reclamation Act of 1977; the National Park System General Authorities Act; ANILCA; and enabling statutes for individual parks. Applicable regulations include 36 CFR Part 9, Subpart A and Subpart B; 43 CFR Parts 3100-3500; and special use regulations. Persons may not use or occupy surface lands in a park for purposes of removing minerals outside the park unless provided for in law.

General management plans, land protection plans, and other planning documents for parks with mining claims, federal mineral leases, or non-federally owned mineral interests will address these non-federal property interests as appropriate. Lands with mineral interests will be zoned according to their anticipated management and use, based on their resource values, park management objectives, and park-specific legislative provisions relating to mineral interests.

(See Park Planning Processes 2.3, Land Protection Plans 3.3, Identification and Designation of the Wilderness Resource 6.2, Mineral Development 6.4.8)

8.7.1 Mining Claims

The location of new mining claims pursuant to the General Mining Law of 1872 is prohibited in all park areas. The National Park Service may permit mineral development only on existing patented and unpatented valid mining claims in conformance with the park's enabling legislation and the regulations for mining claims in 36 CFR Part 9, Subpart A. The Service may initiate a validity examination on unpatented mining claims at any time. The Service will perform a validity examination of all unpatented mining claims before approving any operations on such claims in accordance with 36 CFR Part 9, Subpart A, except in a case in which an operator has an outstanding reclamation responsibility. All mineral development and use of resources in connection with a claim will be confined to the boundaries of the claim itself, except for the access and transport that are permitted under 36 CFR Part 9, Subpart A, or, for Alaska, 43 CFR Part 36.

8.7.2 Federal Mineral Leases

All parks are closed to new federal mineral leasing except for three national recreation areas (Lake Mead, Whiskeytown, and Glen Canyon) in which Congress has explicitly authorized federal mineral leasing in each area's enabling legislation. Through park planning documents, the National Park Service has closed portions of these areas to federal mineral leasing because of the presence of sensitive resources. No person may explore for federal minerals in any of these areas except under an oil and gas lease issued pursuant to regulations in 43 CFR Part 3500. Before consenting to a federal mineral lease or subsequent mineral development connected with leasing, will not result in a significant adverse effect on park resources or administration.

Some park areas contain leases that existed at the time the park was created or expanded. These leases are

valid existing rights, and will continue to exist until such time as they expire under the regulations that govern federal mineral leasing (43 CFR Parts 3100 and 3500). When such a lease expires, the minerals and lands containing such minerals cannot be leased again.

8.7.3 Non-federally Owned Minerals

Non-federal minerals interests in park units consist of oil and gas interests, or rights to mineral interests other than oil and gas (such as private outstanding mineral rights, mineral rights through general land grant patents, homestead patents, or other private mineral rights that did *not* derive from the General Mining Law of 1872). The Park Service governs activities associated with these two categories of non-federal mineral rights under separate regulatory schemes.

The Park Service may approve operations associated with non-federal oil and gas interests, other than oil and gas, under 36 CFR Part 5, “Commercial and Private Operations.” The Service must determine that operations associated with these mineral interests would not adversely impact “public health and safety, environmental, or scenic values, natural or cultural resources, scientific research, implementation or management responsibilities, proper allocation and use of facilities, or the avoidance of conflict among visitor use activities” If the operation cannot be sufficiently mitigated to meet this standard, the NPS may seek to acquire the mineral interest.

8.8 COLLECTING NATURAL PRODUCTS

The collection of natural products for personal use or consumption is governed by NPS general regulations contained in 36 CFR 2.1. A superintendent may designate certain fruits, berries, nuts, or unoccupied seashells that can be gathered by hand for personal use or consumption, including traditional use by Native Americans, upon a written determination by the superintendent that such an activity will not adversely affect park wildlife or the reproductive potential of a plant species or otherwise adversely affect park resources. In some cases, peer-reviewed scientific information may be needed to support the determination. The collection of minerals or rocks for personal use will be allowed only when specifically authorized by federal law or treaty rights.

While campfires are a traditional element of camping and the park experience, the gathering of firewood will be prohibited, except where subsistence use is authorized by federal law, or in specific areas designated by a superintendent in which dead and down wood may be collected for campfires or in small quantities for other uses within the park. Natural resource products that accumulate as a result of site clearing for development, hazard tree removal, vista clearing, or other management actions will be recycled through the ecosystem wherever practicable. Where recycling is not practicable, the products may be disposed of by other means. Disposal may be accomplished by contract, if the result of the work done under contract and the value are calculated in the contract cost, or by sale at fair market value in accordance with applicable laws and regulations. Wood that accumulates as a result of the management actions described above may also be used for park purposes, such as heating public buildings or offices, or for interpretive campfire programs.

(See Consumptive Uses 8.9, Natural and Cultural Studies, Research, and Collection Activities 8.10; see also Director's Order #18: Wildland Fire Management)

8.9 CONSUMPTIVE USES

Treaty rights, federal law (such as ANILCA), and regulations may permit the consumptive use of native plants and animals for subsistence purposes, or the collection of minerals for ceremonial or other cultural purposes. In some cases, following consultation between the Park Service and appropriate Native American or other group representatives, the Service may permit the limited ceremonial or medicinal collection of plants. In all cases, use will be conducted consistent with sound management principles and following a Service determination that such use will have no adverse effects on the integrity of the particular resource and the ecosystem in which it exists.

(See Native American Use 8.5)

8.10 NATURAL AND CULTURAL STUDIES, RESEARCH AND COLLECTION ACTIVITIES

Studies, research and collection activities by non-NPS personnel involving natural and cultural resources will be encouraged and facilitated when they otherwise comport with NPS policies. Scientific activities that involve field work or specimen collection, or have the potential to disturb resources, the visitor experience, or park operations, require a permit issued by the superintendent that prescribes appropriate conditions for protecting park resources, visitors, and operations.

(See Collecting Resources 4.2.5, Independent Research 5.1.2, Independent and Commercial Studies 8.11.3)

8.11 SOCIAL SCIENCE STUDIES

8.11.1 General

The National Park Service will facilitate social science studies that support the NPS mission by providing an understanding of park visitors, the non-visiting public, and human interactions with park resources. This approach will provide a scientific basis for park planning, development, operations, management, education, and interpretive activities. Investigators will be encouraged to use the parks for scientific studies whenever such use is consistent with Service policies which recognize the scientific value of parks as laboratories.

Studies include short- or long-term scientific investigations in NPS areas that may involve social science surveys and research. The data and information acquired through scientific activities conducted in the parks will be made broadly available to park managers, the scientific community, and the public, except where legal restrictions apply. Studies may include projects conducted by researchers and scholars at universities, foundations, state and federal agencies, and NPS staff. The NPS will promote cooperative relationships with educational and scientific institutions and qualified individuals when specialized expertise exists that can be of significant assistance to the Service in obtaining information, and when the opportunity

for research and study in the parks offers institutions a significant benefit to their programs. NPS facilities and assistance may be made available to qualified researchers conducting NPS-authorized studies. NPS or other federally funded studies that rely on survey instruments are strictly regulated and must be approved by the NPS, the Department of the Interior, and the Office of Management and Budget before they can be used to gather information directly from visitors.

(See Information Resources Management 1.7, Studies and Collections 4.2, Research 5.1, Special Park Uses 8.6, NPS-supported Studies 8.11.2, Independent and Commercial Studies 8.11.3)

8.11.2 NPS-supported Studies

The National Park Service is responsible for the identification and acquisition of needed inventory, monitoring, and research, as well as the interpretation of the management and operational implications of such studies. The Service will obtain information and data beneficial to directing management actions in support of park management objectives as provided for in legislation and planning documents.

The Service will support studies to:

- Reach a level of understanding that will minimize “crisis” management;
- Ensure a systematic and fully adequate park information base;
- Provide a sound basis for policy, planning, and decision-making;
- Develop effective strategies, methods, and technologies to predict, avoid, or minimize adverse impacts on resources, visitors, and related activities;
- Determine causes of resource management problems;
- Further understand park ecosystems and related human social systems, and document their components, condition, and significance;
- Evaluate visitor satisfaction with services, facilities, and recreational opportunities;
- Ensure that the interpretation of park resources and issues reflects current standards of scholarship for the history, science, and condition of the resources; and
- Evaluate performance measures in support of strategic plan goals.

Superintendents may authorize park staff to carry out routine duties without requiring a research/collecting permit. NPS scientists will be expected to publish their findings in refereed journals, among other outlets.

8.11.3 Independent and Commercial Studies

Non-NPS social science studies conducted in parks are not required to address specifically identified NPS management issues or information needs. However, these studies require an NPS research/collecting permit. The studies must conform to NPS policies and other guidance regarding activities such as the collection and publication of data, conduct of studies, and wilderness restrictions, pursuant to the terms and conditions of the permit. NPS research/collecting permits may include requirements that permittees provide parks, within reasonable time-frames, with the appropriate field notes (subject to ethical guidelines of the appropriate discipline), data, information about the data, catalog data, progress reports, interim and final reports, and publications derived from the permitted activities. Projects will be administered and conducted only by fully qualified personnel, and will conform to current standards of scholarship.

The collection of data from the public and employees to support the research, development, and marketing of commercial products or services may be permitted only in limited circumstances. Such activity will not be permitted when the superintendent determines that it would impose an undue burden on visitors and/or employees, and/or where it has the potential to adversely impact park resources or detract from the visitors' experiences in the park. All necessary data collection permits must be obtained, including the Scientific Research and Collecting Permit, as well as the permission of the park superintendent. Names and addresses and any other unique identifying information collected from park visitors and/or employees cannot be distributed, shared, or sold for commercial purposes.

(See also Director's Order #84: Library Programs)

8.11.4 Management and Conduct of Studies

Studies involving physical impact to park resources or the removal of objects or specimens entail an irretrievable commitment of those resources. Therefore, all studies in parks will employ non-destructive methods to the maximum extent possible.

Studies will be preceded by an approved scope of work, proposal, or other detailed written description of the work to be performed.

(See Studies and Collections 4.2; see also Director's Order #74: Studies and Collecting)